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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

REZA RAHMATPOUR,)	
)	Cause No.
Plaintiff,)	
)	COMPLAINT
-vs-)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Plaintiff, by and through his attorneys, alleges:

1. Plaintiff is a citizen and resident of La Crescenta, Los Angeles County, California.

2. This Court has jurisdiction over this case pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671, et seq., in that the claim arises from the acts and omissions of the United States Department of the Interior, National Park Service, in Glacier National Park, Montana. The Department of the Interior is an agency of the United States of America. The negligent acts and omissions that are the subject of this action were committed by agents and employees of the United States of America

while acting within the course and scope of their employment. This Court has exclusive jurisdiction over tort claims brought against the United States of America pursuant to 28 U.S.C. § 1346(b).

3. Plaintiff's claim was submitted in writing to the United States of America on August 15, 2021. The United States responded on March 9, 2022, denying Plaintiff's claim. Accordingly, Plaintiff has appropriately exhausted his administrative remedies.

4. The acts and omissions giving rise to this claim occurred in Flathead County, Montana, which is within the Missoula Division of the United States District Court for the District of Montana. Venue is proper in the Missoula Division pursuant to Local Rule 3.2(b)(1)(A).

5. On October 3, 2020, Plaintiff was hiking on the boardwalk at Trail of the Cedars in Glacier National Park, Flathead County, Montana, when he tripped on the edge of a boardwalk plank that was elevated and uneven, causing Plaintiff to fall off the edge of the boardwalk. Photographs of the location of Plaintiff's trip and fall are attached hereto as Exhibit "A" (hereinafter referred to as the "Subject Location.")

6. As a result of his trip and fall at the Subject Location, Plaintiff sustained displaced fractures of the ulna and radius bones of his left arm, requiring extensive medical treatment, including surgery.

7. As a result of his injuries, Plaintiff has suffered damages, including but
Complaint

not limited to, medical expenses, lost earnings and lost earning capacity, physical and emotional pain and suffering, loss of established course of life, and loss of enjoyment of life.

8. At the time of Plaintiff's trip and fall, the Subject Location was in a state of disrepair, causing the boardwalk plank to shift and become a trip hazard.

9. At all times relevant hereto, Defendant United States of America was responsible for the repair and maintenance of the Subject Location.

10. At all times relevant hereto, Defendant United States of America had a legal duty to maintain the Subject Location in a reasonably safe condition and to warn of any hidden or lurking dangers.

11. The Subject Location where Plaintiff's trip and fall occurred was an unreasonably dangerous condition and a hidden and lurking danger for which Defendant United States of America provided no warning.

12. Defendant United States of America breached its legal duty to maintain the Subject Location in a reasonably safe condition and to warn of any hidden or lurking dangers.

13. Defendant United States of America's breach of its legal duty to maintain the Subject Location in a reasonably safe condition and to warn of any hidden or lurking dangers constitutes negligence.

14. Plaintiff's injuries and resulting damages were caused by Defendant United States of America's negligence.

15. Plaintiff was not a cause of his injuries or resulting damages.

WHEREFORE, PLAINTIFF PRAYS:

1. For an award of general and special damages sufficient to compensate Plaintiff for medical expenses, lost earnings and lost earning capacity, physical and emotional pain and suffering, loss of established course of life, loss of enjoyment of life, and all other damages suffered by Plaintiff as a result of the negligence of the United States of America;

2. For costs and fees as allowed by law; and,

3. For all other relief the Court deems appropriate.

DATED this 19th day of April, 2022.

/s/ Jeffrey G. Winter
DUROCHER & WINTER, P.C.